



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,550	07/10/2001	Andreas Detmers	A-2237 CIP	8928

7590 12/10/2002

WERNER H. STEMER
P.O. Box 2480
Hollywood, FL 33022

EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,550

Applicant(s)

DETMERS ET AL.

Examiner

Dan Colilla

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,18-30,32-44,46-59 and 61-71 is/are rejected.
- 7) ☒ Claim(s) 3,17,31,45 and 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/283,821.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12, 8, 23 and 24' (as mentioned on page 16 of the disclosure). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-5, 7, 9-10, 12, 29-30, 32-33, 35, 37-38, 40, 43-44, 46-47, 49, 51-52, 54, 57-59, 61-62, 64, 66-67 and 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Gansky et al.

With respect to claims 1, 29, 43 and 57-58, Gansky discloses an accessory 16 including a connection mechanism pivotable about assembly 62 and a linear guide 297 as shown in Figure 8 of Gansky. The linear guide is disposed perpendicular to the direction of rotation of the assembly 62 as shown in Figure 2 of Gansky.

Note, since these claims are directed towards an apparatus, the functional language rectied after "said connection mechanism:" or "a connection mechanism" in each of these claims is not given any patentable weight.

With respect to claims 2, 30, 44 and 59 Gansky et al. discloses that the accessory projects into a printing unit as shown in Figures 1-2 of Gansky et al.

With respect to claims 4, 9, 32, 37, 46, 51, 61 and 66, Gansky et al. discloses a centering assembly for aligning the accessory 16 in col. 10, lines 16-32.

With respect to claims 5, 10, 33, 38, 47, 52, 62 and 67 Gansky et al. discloses latch assembly 126 for locking the accessory 16 in place.

With respect to claims 7, 12, 35, 40, 49, 54, 64 and 69

4. Claims 15-16, 18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Guba et al.

With respect to claim 15, Guba et al. discloses an accessory 2,10,12 which includes a connection mechanism including a first pivot axis defined by joint 14 and a second pivot axis defined by cam rollers 16. These pivot axes are parallel to the rotation axis of printing cylinder

1. *Note, since these claims are directed towards an apparatus, the functional language rectied after "said connection mechanism:" is not given any patentable weight.*

With respect to claim 16, the accessory 2, 10, 12 projects into printing unit parts as shown in Figures 1-3 of Guba et al.

With respect to claims 18 and 23, Guba et al. discloses centering means 21 for positioning the subassembly 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 11, 34, 39, 48, 53, 63 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gansky et al. in view of Haramia et al.

With respect to claims 6, 11, 34, 39, 48, 63 and 68 Gansky et al. discloses the claimed accessory except for the prism shaped centering means. However, the exact shape of the centering means does not appear to have any criticality in the invention. Any centering means would have been obvious. For example Haramia et al. teaches a centering means 44 as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. There appears to be no unobviousness in using any one of known centering means chosen from a group of known centering means for providing the same function.

7. Claims 1, 4-5, 8-10, 13, 15-16, 18-27, 29, 32-33, 36, 37-38, 41, 43, 46-47, 50-52, 55, 57, 61-62, 65-67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Bierbaum et al.

With respect to claims, 1, 15, 29, 43, and 57, McKillip discloses a printing press with a web roll attached. Bierbaum et al. teaches an accessory for use with a printing press paper supply. However, it is not known if the frame 17 of the paper supply taught by Bierbaum et al. is

Art Unit: 2854

fastened to the frame of a printing press. Bierbaum et al. teaches an accessory including a connection mechanism having a pivot axis at the top end of cylinder 14 and a linear guide 68. With further respect to claim 15, Bierbaum et al. teaches another pivot axis at the end of the rod portion of cylinder 14.

As mentioned above functional language is not considered in an apparatus claim.

With respect to claims, 4-5, 9-10, 18-19, 23-24, 32-33, 37-38, 46-47, 51-52, 61-62, and 66-67, Bierbaum et al. teaches slots 26 for centering the accessory 1 with respect to the paper roll 1 in one working position. Furthermore, locks 33 and 34 are taught for holding the accessory 1 in a working position as mentioned in col. 4, lines 44-57.

With respect to claim 8, 13, 22, 27, 36, 41, 50, 55, 65 and 70, Bierbaum et al. teaches pin 21 of the accessory pressing against an inner face of slot 26. A cylinder 43 is used as the pressing means.

With respect to claim 16, Figure 1 of Bierbaum et al. shows the accessory coming into contact with the printing press.

With respect to claims 21 and 26, the top of slot 68 taught by Bierbaum et al. acts as a stop.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip in view of Bierbaum et al. as applied to claims 1, 4-5, 8-10, 13, 15-16, 18-27, 29, 32-33, 36, 37-38, 41, 43, 46-47, 50-52, 55, 57, 61-62, 65-67 and 70 above, and further in view of Schwarzbeck.

McKillip in view of Bierbaum et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for

Art Unit: 2854

aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by McKillip in view of Bierbaum et al. for the advantage of making it easier to swing the accessory.

9. Claims 14, 42, 56 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gansky et al. as applied to claims 1-2, 4-5, 7, 9-10, 12, 29-30, 32-33, 35, 37-38, 40, 43-44, 46-47, 49, 51-52, 54, 57-59, 61-62, 64, 66-67 and 69 above, and further in view of Schwarzbeck.

With respect to claims 14, 42, 56 and 71 Gansky et al. discloses the claimed invention except for the spring. However, Schwarzbeck teaches a swinging portion of a printing press that has a spring 84 for aiding in the manual pivoting of swing assemblies. It would have been obvious to combine the teaching of Schwarzbeck with the accessory disclosed by Gansky et al. for the advantage of making it easier to swing the accessory.

10. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al. in view of McKillip in view of Bierbaum et al. as mentioned above and further in view of Haramia et al.

With respect to claims 20 and 25, and McKillip in view of Bierbaum et al. discloses the claimed accessory except for the prism shaped centering means. However, the exact shape of the centering means does not appear to have any criticality in the invention. Any centering means would have been obvious. For example Haramia et al. teaches a centering means 44 as shown in Figures 3-4 of Haramia. Bolts 48 pass through this centering means 44. There appears to be no

Art Unit: 2854

unobviousness in using any one of known centering means chosen from a group of known centering means for providing the same function.


Allowable Subject Matter

11. Claims 3, 17, 31, 45 and 60 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

December 5, 2002


Dan Colilla
Primary Examiner
Art Unit 2854